

09-06-01

CPA 137-27/13

PTO/SB/29 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

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O.I.P.E. 05 2001

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231Attorney Docket No.
of Prior Application

AVERP2514USA

First Named Inventor

Mark Wisniewski

Examiner Name

R. Hylton

Group Art Unit

3727

Express Mail Label No.

EL592221049US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 408,634,
filed on September 30, 1999, entitled DIRECTIONALLY PEELABLE CLOSURES AND ARTICLES USING...

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000); 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:

- ☐ PTO-1449
 - ☐ Copies of IDS Citations

09/07/2001 GTEFFERA 00000126 09408634
 01 FC:131
 02 FC:102

710.00 OP
 80.00 OP

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	20	-20* =	0	x \$ 18.00 =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4	-3** =	1	x \$ 80.00 =	\$ 80.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	\$ 710.00
				Total of above Calculations =	\$ 790.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
TOTAL =					\$ 790.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 18 - 0988:a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☒ A check in the amount of \$ 790.00 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).11. ☐ New Attorney Docket Number, if desired _____

(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☒ Other: Certificate of Mailing 1.10**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**14. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

23908

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Heidi A. Boehlefeld

Renner, Otto, Boisselle, & Sklar, L.L.P.

Address

1621 Euclid Avenue

19th Floor

City

Cleveland

State

OH

Zip Code

44115

Country

USA

Telephone

(216)621-1113

Fax

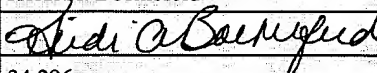
(216)621-6165

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Heidi A. Boehlefeld

Signature



Registration No. (Attorney/Agent)

34,296

Date

September 5, 2001

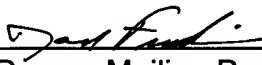


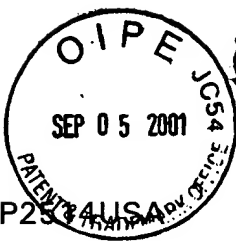
CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that the attached patent application (along with any other paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date September 5, 2001, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL592221049US addressed to the: Commissioner for Patents, Washington, D.C. 20231.

David Friedman

Typed or Printed Name of Person Mailing Paper


(Signature of Person Mailing Paper)



AVERP254115A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Mark Wisniewski et al

Serial No: 09/408,634 ✓

Filed: September 30, 1999

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Art Unit: 3727

Examiner: R. Hylton

TECHNOLOGY CENTER 3700

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RECEIVED

#13/B
9/19/01
P1199

For: DIRECTIONALLY PEELABLE CLOSURES AND ARTICLES USING THE SAME

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please enter the following amendment prior to examination of the application.

IN THE SPECIFICATION:

On page 8:

Please amend the specification by deleting the second full paragraph on page 8 and replacing it with the following paragraph:

In another embodiment, closure may be prepared by extruding three or more layers for which there is a separation interface. For instance, the first layer may have one or more additional layers which are also coextruded with the first and second layer or which is laminated to the first layer. In reference to Fig 1a, a peelable closure 10a comprises a first layer 11 and a second layer 12. The upper surface of first layer

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